



Residency Requirements for Affiliation with a State or Territory Fencing Association

A Fencer must affiliate through the State or Territory in which they reside, unless they meet one of the exception conditions listed below.

Exception Conditions.

1. If no State Fencing Association affiliated with the Australian Fencing Federation exists for the fencer's state or territory of residency the fencer must affiliate through an adjoining or the nearest AFF affiliated State or Territory Association. For example, if a fencer resides in Northern Territory, where no AFF affiliated Association currently exists, they must affiliate with the Queensland, WA or SA.
2. If a fencer moves their residency to another State, they must transfer their membership to their new state of residency at the start on the next fencing/calendar year. Their former State or Territory must however provide a release for the fencer to transfer but that release may only be withheld if the fencer has outstanding financial commitments.
3. If a fencer resides within 75km of a closer major centre of Fencing in another State or Territory they may choose to become members of either State or Territory.
4. If the fencer has moved their residency specifically for their formal education commitments or to further develop their fencing they must affiliate with their new resident State but must continue to compete nationally for the Home/former state for a period of 2 years in AFF State based events. This may mean the fencer is a member through both states but only one capitation levy should be paid to the AFF by the current residency State. After this 2 year period these fencers must affiliate through their current state but may elect to represent either their current or former State in national State based events until:
 - a) they have completed their formal study program or
 - b) they have completed their special training programafter which they must represent their actual state of residency.
5. If a fencer has moved their residency overseas and wishes to compete for or in Australia they must affiliate through their former state of residence. If they return to Australia and immediately take up residence in a different state then the conditions 1 through 5 above must be applied.
6. If a fencer resides overseas and is an Australian citizen but has never been affiliated in Australia through any Member State or Territory, and they wish to represent or compete in or for Australia they must:
 - a. Not have already competed internationally for another country via dual citizenship or held an FIE licence from another country. (see FIE Statutes – Section 9.2 Fencer's Nationality in current December 2010 version that apply to changing the Nation for which a fencer wishes to compete.)
 - b. Affiliate in Australia through a member State or Territory of the Australian Fencing Federation. If they have previously resided in Australia without having been a member they should affiliate through their former state of residency. If however they were born overseas and have never resided in Australia they

may choose to affiliate through any member state, although the state where their parents previously resided would be preferred.

7. The Tournament Management Committee of the AFF will oversee the application of this policy, and will be the final arbiter in any decisions and disputes on matters of residency.

Definitions:

The criteria for Residency will be similar to those applied by the Australian Taxation Office in relation to Australian Residency

(see <http://www.ato.gov.au/individuals/content.asp?doc=/content/64131.htm>)

Residency tests and tools

There are four main tests for residency:

Test	When to apply	More information
Resides	Primary test – if you reside in a State or Territory according to the ordinary meaning of the word, you don't need to apply any of the other two tests.	The Shorter Oxford Dictionary defines reside as: '...to dwell permanently, or for a considerable time, to have one's settled or usual abode, to live, in or at a particular place...'
Domicile	Statutory tests – if you don't satisfy the resides test (the primary test) you may still be considered an Australian resident if one of these two tests is satisfied.	Your domicile is the place that is: <ul style="list-style-type: none"> considered by law to be your permanent abode usually something more than a residence. The following meanings have been established through case law: <ul style="list-style-type: none"> Permanent does not have the meaning of everlasting or forever, but is used in the sense of being contrasted to temporary or transitory your place of abode is your residence, where you live and sleep at night.
183 day rule		Under this test, if you are actually present in a State or Territory for more than half the calendar year, whether continuously or intermittently, you may be said to have a constructive residence in that State or Territory unless it can be established that: <ul style="list-style-type: none"> your usual place of abode is outside that State or Territory, and you have no intention to take up residence there. The phrase 'usual place of abode' should not be given the same or similar meaning as the phrase ' <i>permanent place of abode</i> ' as applied in the <i>Resides test</i> . The terms 'usual' and 'abode' should be given their ordinary and natural meanings. <p>The shorter Oxford Dictionary gives the following definitions:</p> <ul style="list-style-type: none"> usual means current, ordinary, customary abode means habitual residence, place of habitation, house or home. Your presence in a State or Territory need not be continuous for the purposes of the 183 day test. All the days you are physically present in a State or Territory during the calendar/ fencing year will be counted.